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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,699	01/28/2004	Joseph Henriques	2-235.006-1	2068
4955	7590	02/10/2006	EXAMINER	
WARE FRESSOLA VAN DER SLUYS & ADOLPHSON, LLP BRADFORD GREEN BUILDING 5 755 MAIN STREET, P O BOX 224 MONROE, CT 06468			AMIRI, NAHID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 02/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/766,699	Applicant(s) HENRIQUES, JOSEPH	
	Examiner Nahid Amiri	Art Unit 3679	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, and 11-15 is/are rejected.
- 7) ☒ Claim(s) 5,9 and 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

In view of Applicant's Amendment received 17 November 2005, amendments to the claims have been entered. Claims 1-15 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 7 and 11-15 are rejected under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,267,529 B1 Mudryk et al.

In regard to claims 1, 12 and 14: Mudryk et al. disclose a flexible traffic post (1) (Fig. 3) including an upper adapter (8) for attachment to a first part of the post (2); a lower adapter portion (8) for attachment to a second part of the post (4); a cylindrically helical spring (7) for connecting the upper adapter (8) to lower adapter (8); wherein at least one of the upper and lower adapter portion (8) is adapted to receive the inner and outer surface of the helical spring (7) by having a threaded lug (11) as a screw; wherein applying a force to the first part of the post 2 inherently creates a torque between the upper and lower adapter portions (8) greater than a predetermined amount; and wherein the spring (7) inherently creates a tension that depends upon how far it is screwed into the at least one of the upper and lower adapter portions (8) by threaded lug (11).

In regard to claim 2: Mudryk et al. disclose (Fig. 3) the upper and lower adapter portions (8) having a plurality of holes (9) for removably screwing the adapter to the posts (2 and 4).

In regard to claim 3: Mudryk et al. disclose (Fig. 8) having a shield (13) for encircling and protecting at least the helical spring (7).

In regard to claim 4: Mudryk et al. disclose (Fig. 8) the lower and upper adapter portions (8) are shaped to receive the respective parts of the posts (2 and 4).

In regard to claims 7 and 13: Mudryk et al. disclose (Fig. 8) at least one of the adapter portions (8) includes a threaded lug (11) which constitutes as a removable device which capable of securing the spring (7) to prevent unscrewing; wherein the spring (7) inherently capable of securing in a plurality of screwed positions with a threaded lug (11) which causes a cylindrically helical spring (7) to have a corresponding plurality of different tensions.

In regard to claim 11: Mudryk et al. disclose (Fig. 8) the upper adapter portion and the lower adapter portion (8) have respective facing elements (10) located outside the shield (13) for securing the helical spring to upper and lower adapters (8).

In regard to claim 15: Mudryk et al. disclose (Fig. 8) the spring (7) having a bend for contacting the removable threaded lug (11).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mudryk et al.

In regard to claim 6: Mudryk et al. disclose applicant claimed invention except the one or more of the adapter portion is secured to the helical spring using glue or caulk. It would have been obvious to one of ordinary skill in the art at the time of invention was made to secure the adapter portions to the helical spring by using glue or caulk which known in the art for tightening and connecting two components together in more secure way.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mudryk et al., as applied to claims 1-4, 7 and 11-15 above, and further in view of US Patent No. 2,567,931 Foster.

In regard to claim 8: Mudryk et al. disclose the claimed invention except the removable device comprises a screw. Foster teaches (Figs. 3, 4) (column 3, lines 8-11) the spring (29) is connected to their respective links (30) by means of pins (33) through respective eyelets. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the spring of Mudryk et al. with pins as taught by Foster in order to connect the spring to lower and upper adaptors.

Allowable Subject Matter

Claims 5, 9 and 10 stand objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments filed 17 November 2005 have been fully considered but they are not persuasive.

With respect to Applicant's response to 35 USC § 112 rejection of claim 5, Examiner agrees. The rejection of claim 5 has been withdrawn.

In Remarks/Arguments, Applicant points out that the amended claim 1, clarify that the **outer surface** of the spring receive as a screw, which different from Mudryk et al. '529 where the inner surface of the spring screw onto a threaded lug. With respect to amended claim 7, Applicant argues that the removable device prevents unscrewing. Examiner disagrees.

Examiner responses with respect to claim 1, 1st) Applicant do not define the shape of the adapter portions, 2nd) Applicant do not claim that the adapter portions are in direct contact with outer surface of the helical spring. Therefore, having the lug (11) of adapter portions (8) of

Mudryk et al. '529 receives by the inner surface of spring (7) that means it also receives by outer surface of the spring (7) since both the inner and outer surfaces are part of spring (7). With respect to claim (7) Applicant do not define what is the removable device is. Therefore, the lug (11) of Mudryk et al. '529 clearly constitutes a removable device of instant claim which capable of securing the spring to prevent unscrewing.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action, e.g. claim 1, lines 8-9, the limitation of at least one of the upper and lower adapter portions is shaped to receive **the outer surface of the helical spring as a screw**", was not claimed in original claimed invention. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3679

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nahid Amiri
Examiner
Art Unit 3679
February 02, 2006



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